

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CHESTER L. CALLAWAY, Respondent

Pharmacist License No. RPH 44064

Agency Case No. 7198

DECISION AND ORDER

The attached Stipulated Surrender of License Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on July 6, 2022.

It is so ORDERED on June 6, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly distinguishable.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
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Supervising Deputy Attorney General
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Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7198

13 **CHESTER L. CALLAWAY**
14 **27285 El Rancho Dr.**
Sun City, CA 92586

15 **Pharmacist License No. RPH 44064**

16 Respondent.
17

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
24 (Board). She brought this action solely in her official capacity and is represented in this matter by
25 Rob Bonta, Attorney General of the State of California, by Stephen A. Aronis, Deputy Attorney
26 General.

27 2. Chester L. Callaway (Respondent) is representing himself in this proceeding and has
28 chosen not to exercise his right to be represented by counsel.

1 3. On or about March 3, 1991, the Board issued Pharmacist License No. RPH 44064 to
2 Chester L. Callaway (Respondent). The Pharmacist License expired on October 31, 2020, and
3 has not been renewed.

4 **JURISDICTION**

5 4. Accusation No. 7198 was filed before the Board, and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on January 3, 2022. Respondent timely filed his Notice of Defense contesting the
8 Accusation. A copy of Accusation No. 7198 is attached as Exhibit A and incorporated by
9 reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 7198. Respondent also has carefully read, and understands the effects of this
13 Stipulated Surrender of License and Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18 the attendance of witnesses and the production of documents; the right to reconsideration and
19 court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 7198, agrees that cause exists for discipline and hereby surrenders his Pharmacist License
26 No. RPH 44064 for the Board's formal acceptance.

27 9. Respondent understands that by signing this stipulation he enables the Board to issue
28 an order accepting the surrender of his Pharmacist License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender of License and Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 44064, issued to Respondent Chester L. Callaway, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's

1 license history with the Board. Respondent understands and agrees that for purposes of Business
2 and Professions Code section 4307, this surrender shall be construed the same as revocation.

3 2. Respondent shall lose all rights and privileges as a pharmacist in California as of the
4 effective date of the Board's Decision and Order.

5 3. Respondent may only seek a new or reinstated license from the board by way of a
6 reinstatement. Respondent understands and agrees that if they ever file an application for
7 licensure or a petition for reinstatement in the State of California, the board shall treat it as a
8 petition for reinstatement of licensure. Respondent may not petition for any license, permit, or
9 registration from the board for three years from the effective date of this decision. Respondent
10 stipulates that should they apply for any license from the board on or after the effective date of
11 this decision, all allegations set forth in the accusation shall be deemed to be true, correct and
12 admitted by respondent when the board determines whether to grant or deny the petition.
13 Respondent is required to report this surrender as disciplinary action.

14 4. Respondent shall pay the agency its costs of investigation and enforcement in the
15 amount of \$3098.75 prior to filing of a petition for reinstatement.

16 5. For a period of ten (10) years from the effective date of this decision, Respondent
17 shall not own, have any legal or beneficial interest in, nor serve as a manager, administrator,
18 member, officer, director, trustee, associate, or partner of any business, firm, partnership, or
19 corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any
20 legal or beneficial interest in any entity licensed by the board within ninety (90) days following
21 the effective date of this decision and shall immediately thereafter provide written proof thereof
22 to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation
23 thereof shall be considered a violation of probation.

24 6. If Respondent should ever apply or reapply for a new license or certification, or
25 petition for reinstatement of a license, by any other health care licensing agency in the State of
26 California, all of the charges and allegations contained in Accusation, No. 7198 shall be deemed
27 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
28 other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____
CHESTER L. CALLAWAY
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

STEPHEN A. ARONIS
Deputy Attorney General
Attorneys for Complainant

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1 ACCEPTANCE

2 I have carefully read the Stipulated Surrender of License and Order. I understand the
3 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated
4 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
5 by the Decision and Order of the Board of Pharmacy.

6
7 DATED: 4-30-22


8 CHESTER L. CALLAWAY
9 Respondent

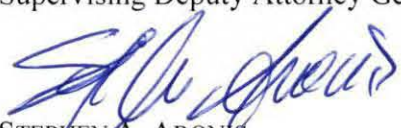
10 ENDORSEMENT

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
12 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

13 DATED: 5/5/22

Respectfully submitted,

14 ROB BONTA
15 Attorney General of California
16 GREGORY J. SALUTE
17 Supervising Deputy Attorney General


18 STEPHEN A. ARONIS
19 Deputy Attorney General
20 Attorneys for Complainant

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Exhibit A

Accusation No. 7198

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 STEPHEN A. ARONIS
Deputy Attorney General
4 State Bar No. 204995
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Attorneys for Complainant

9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 7198

14 **CHESTER L. CALLAWAY**
15 **27285 El Rancho Dr.**
Sun City, C 92586

ACCUSATION

16 **Pharmacist License No. RPH 44064**

17 Respondent.

18
19 **PARTIES**

20 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

22 2. On or about March 4, 1991, the Board issued Pharmacist License Number RPH
23 44064 to Chester L. Callaway (Respondent). The Pharmacist License expired on October 31,
24 2020, and has not been renewed. On September 3, 2021, a Notice of Automatic Suspension of
25 License suspended the Pharmacist License, pursuant to Business and Professions Code section
26 4311, subdivision (a), and Respondent was prohibited from practicing as a pharmacist in the State
27 of California for the duration of his incarceration and until a final decision on the Accusation in
28 this matter.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4300, subdivision (a), of the Code states, "Every license issued may be suspended or revoked."

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the

1 degree of discipline or to determine if the conviction is substantially related to the
2 qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 4301 of the Code states:

6 The board shall take action against any holder of a license who is guilty of
7 unprofessional conduct or whose license has been issued by mistake. Unprofessional
8 conduct shall include, but is not limited to, any of the following:

9

10 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
11 deceit, or corruption, whether the act is committed in the course of relations as a
12 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

13

14 (l) The conviction of a crime substantially related to the qualifications, functions,
15 and duties of a licensee under this chapter. The record of conviction of a violation of
16 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
17 regulating controlled substances or of a violation of the statutes of this state regulating
18 controlled substances or dangerous drugs shall be conclusive evidence of
19 unprofessional conduct. In all other cases, the record of conviction shall be conclusive
20 evidence only of the fact that the conviction occurred. The board may inquire into the
21 circumstances surrounding the commission of the crime, in order to fix the degree of
22 discipline or, in the case of a conviction not involving controlled substances or
23 dangerous drugs, to determine if the conviction is of an offense substantially related to
24 the qualifications, functions, and duties of a licensee under this chapter. A plea or
25 verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a
26 conviction within the meaning of this provision. The board may take action when the
27 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal
28 or when an order granting probation is made suspending the imposition of sentence,
irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the
person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting
aside the verdict of guilty, or dismissing the accusation, information, or indictment...

....

REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1769, subdivision (c), states:

When considering the suspension or revocation of a facility or a personal license
on the ground that the licensee or the registrant has been convicted of a crime, the
board, in evaluating the rehabilitation of such person and his present eligibility for a
license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

1 (3) The time that has elapsed since commission of the act(s) or offense(s).

2 (4) Whether the licensee has complied with all terms of parole, probation,
3 restitution or any other sanctions lawfully imposed against the licensee.

4 (5) Evidence, if any, of rehabilitation submitted by the licensee.

5 11. California Code of Regulations, title 16, section 1770, states:

6 For the purpose of denial, suspension, or revocation of a personal or facility
7 license pursuant to Division 1.5 (commencing with Section 475) of the Business and
8 Professions Code, a crime or act shall be considered substantially related to the
9 qualifications, functions or duties of a licensee or registrant if to a substantial degree it
evidences present or potential unfitness of a licensee or registrant to perform the
functions authorized by his license or registration in a manner consistent with the public
health, safety, or welfare.

10 **COSTS**

11 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licentiate found to have committed a violation or violations of
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
15 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
16 included in a stipulated settlement.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(March 26, 2021 Criminal Conviction – Assault with a Deadly Weapon Other Than a** 19 **Firearm, Stalking, and Lewd Conduct)**

20 13. Respondent has subjected his pharmacist license to discipline under sections 490 and
21 4301, subdivision (l) of the Code in that he was convicted of a crime that is substantially related
22 to the qualifications, duties, and functions of a pharmacist. On March 26, 2021, in a criminal
23 proceeding titled *The People of the State of California v. Chester Lowell Callaway*, in Riverside
24 County Superior Court, Case No. SWF2007093, Respondent was convicted on his plea of guilty
25 of violating Penal Code section 245, subdivision (a)(1) (Assault with a deadly weapon other than
26 a firearm, to wit: a knife), a felony, with further allegation under Penal Code section 1192.7,
27 subdivision (c)(23) (Use of a deadly and dangerous weapon, to wit: a knife), Penal Code section
28 646.9, subdivision (a) (Stalking), a felony, and Penal Code section 647, subdivision (a) (Lewd

conduct), a misdemeanor. As a result of the conviction, Respondent was sentenced to serve 364 days in jail, with 24 days of credit for time served, two (2) years of formal probation with terms and conditions, and ordered to pay court fines and fees. Respondent was further ordered to complete any counseling, rehabilitation and/or treatment program deemed appropriate by a probation officer. In addition, the court issued a Criminal Protective Order prohibiting Respondent from contacting the victims.

14. The circumstances that led to the conviction are that at approximately 9:47 a.m. on February 2, 2020, Riverside County Sheriff's deputies were dispatched to a strip mall in Menifee, California where a suspect had brandished a knife and was observed walking into a liquor mini market wearing only speedos. At the scene, victim D.V. described that while he was on the phone with 911 dispatch, Respondent grabbed a 3 ½-inch folding pocket knife from his bicycle and lunged toward D.V. by making slashing gestures with the knife, stating "Fuck you, you're done, I'll kill you". After Respondent came directly in front of D.V. holding the knife in his hand, D.V. kicked Respondent backward in self-defense. D.V. kept a safe distance from Respondent until deputies arrived. Upon arrival at the scene, a Sheriff's deputy ordered Respondent to drop the knife and he complied. Respondent refused to speak about the incident and was subsequently arrested for assault with a deadly weapon and criminal threats.

SECOND CAUSE FOR DISCIPLINE

(Commission of Acts Involving Moral Turpitude)

15. Respondent has subjected his registration to disciplinary action under section 4301, subdivision (f) of the Code for unprofessional conduct in that he committed acts of moral turpitude, as described in paragraphs 13-14, above, which are incorporated herein by reference.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacist License Number RPH 44064, issued to Respondent Chester L. Callaway;

2. Ordering Respondent Chester L. Callaway to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 12/27/2021

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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